

REMARKS/ARGUMENTS

1. Rejection of claims 1 and 2, and objection of claims 3-9:

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyahara et al (US Patent No. 6,314,213). Claims 3-9 are objected to as being dependent upon a 5 rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response:

The limitations of the objected claim 3 excepting the redundant limitation “a 10 predetermined value” are merged into claim 1 to form the currently amended claim 1. Claim 3 is therefore canceled. Claims 4-8 are consequently amended to depend on the currently amended claim 1. And the inconsistent terminologies 2, 5-7 and 9 are replaced with “threshold” to make the terminologies consistent. No new matter is introduced. Allowance of the currently amended claim 1 is politely requested. Since claims 2, 4-9 are dependent on the 15 currently amended claim 1, they should be allowable if the currently amended claim 1 is allowable.

2. Rejection of claims 10 to 12, and introduction of claims 21-24:

Claims 10-12 are objected to as being dependent upon a rejected base claim, but 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response:

Claim 10 is merged into the original claim 1 to form the new claim 21. No new matter 25 is introduced. Claim 10 is therefore canceled. Introduction and instant allowance of the new claim 21 is hereby requested.

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Some limitations of claim 11 are merged into the original claim 1 to form the new claim 22. Claim 23 is introduced according to remaining limitations of claim 11. Claim 24 is introduced according to Steps 1007 and 1008 of Fig.6, and paragraphs [0053] and [0054]. No new matter is introduced. Claims 11-12 are canceled. Introduction of the new claims 22 to 24
5 is politely requested.

Since the limitations merged from claim 11 into the original claim 1 in the new claim 22 are not taught or suggested by the cited art, it is believed that the new claim 22 should be allowable. Since the new claims 23 and 24 are dependent on the new claim 22, they should be
10 allowable if the new claim 22 is allowable.

3. Allowance of claims 13-20:

The redundant limitation “a predetermined value” in the allowable claim 13 is removed without affecting the patentability of the allowable claim 13. In claims 14, 16-20,
15 inconsistent terminologies are replaced with “threshold” to make terminologies consistent. No new matter is introduced. The allowable status of claims 13-20 is requested to be sustained.

Applicant respectfully requests that a timely Notice of Allowance be issued in this
20 case.

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Sincerely yours,



Date: 01.24.2008

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